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AUTHOR

Walton, Robert

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ABSTRACT

The Texas State Publications Clearinghouse of the Texas State Library has prepared this list of materials pertaining to legislative and executive branch publications on the state and local level. Judicial branch publications are judged inappropriate as they are best left in the domain of the law library. The specific topics are handbooks/directories, laws/legal, legislative, constitutional, regional/county/local, state government financial and statistical information, bibliographies, general reference, current politics, and a list of other Texas State Publications Clearinghouse materials.

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INTRODUCTION TO BASIC TEXAS STATE DOCUMENTS REFERENCE

by

Robert Walton

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INTRODUCTION TO BASIC TEXAS STATE DOCUMENTS REFERENCE

By Robert Walton
Texas State Publications Clearinghouse
Information Services Division
TEXAS STATE LIBRARY

In order to perform adequate Texas documents reference, it is necessary to possess two essential qualities. First, an understanding of state/local government administrative structure, and the Texas legislative process. This is important in order to know how to logically map out a research strategy with respect to a particular question or request. Second, it is valuable to have a great deal of finesse to guide you through those situations where logical research patterns are fruitless and, as is often the case, the information is hidden in some obscure and illusive source. Of these two qualities, only the first requires further examination.

State government is divided among legislative, judicial, and executive branches. Of the three, the judicial branch (composed primarily of the state and district judges) produces fewest materials suited for state documents reference. Unless yours is a law library, most of these legal publications would best be left to lawyers and experienced law librarians.

The legislative branch is made up primarily of the Texas Legislature. In the process of conducting its law making responsibilities, the Legislature generates a sizable volume of material. Laws themselves are introduced into one of the two chambers as bills (legislation). Each must be read three times on different dates, voted on (and passed) after the second and third readings (unless certain parliamentary procedures are imposed), and signed by the Governor before becoming law. Should a particular bill fail during the legislative process, the text of the defeated bill can only be found at the Legislative Reference Library at the State Capitol Building. Laws which pass are available from the Secretary of State of the House/Senate Bill Distribution Service. At the end of each legislative session, the Session Laws are printed and Vernon's Annotated Texas Statutes issues new pocket parts to bring the 'black statutes' up-to-date.

Within the jurisdiction of the legislative branch also fall four legislative support agencies. These include the Legislative Reference Library (organized and equipped to handle the special needs of legislators), the Legislative Budget Board (produces recommendations to the legislature concerning all aspects of budgetary matters), the Legislative Council (assists the Legislature and executive agencies in the research and drafting of legislation), and the State Auditor (to audit state agencies and verify proper expenditures of allocated state funds). The legislature also authorizes and conducts special studies (interim committee reports, house study papers, etc.) on topics which are of current interest and have the potential of emerging as an issue during the following legislative session.

The executive branch is made up of all the other agencies in state government and produces by far the largest volume of published material. These agencies are usually established by statutory or constitutional law charging the agency with certain responsibilities and a description of its duties. Special commissions and study councils can also be created by executive order of the Governor. With few exceptions, the duties of executive agencies are structured to perform either a regulatory or service function.

Any discussion of state government would be incomplete without consideration of the regional and local governmental bodies. In 1956 the Legislature organized 24 Regional Councils of Governments which act primarily as informational or coordinating centers for governments in that region. There are also a variety of special districts and authorities including school, hospital, river authorities, housing authorities, water districts and soil conservation districts. These are all valuable government entities created to provide specific services within a defined geographic area.

HANDBOOKS/DIRECTORIES

Texas. University of Texas Bureau of Business Research. Texas Trade and Professional Associations and Other Selected Organizations. 1951-Austin. Annual. Includes official names, addresses, directors, member statistics, activities, etc.

Texas. State Historical Association. Handbook of Texas. Austin, 1952. Edited by Walter P. Webb. 2 volumes and a supplemental 3rd volume published in 1976. Encyclopedia format containing general information on persons, cities and counties, industries, state agencies, etc. Most topics are followed by brief bibliographies.

Texas. University of Texas L.B.J. School of Public Affairs. Bureau of Government Research. Guide to Texas State Agencies. 4th edition Austin 1972. Provides the following information on each current state agency: 1. Legal authority 2. Selection of governing members 3. Organization, and 4. Functions. [The 5th edition will be released during 1978.]

Texas. Education Agency. Texas School Directory. Annual. Contains information about Texas schools including: officers and statistics, accreditation status, directory of administrators and members of local boards, accredited non-public schools, and educational service center directory.

Texas. Education Agency. Division of Proprietary Schools and Veterans Education. Directory of Schools Certificated Under Texas Proprietary School Act and Schools Offering Courses Approved for Veterans. Annual. Part I: List of private certified schools Part II: List of Texas' colleges and schools approved for veterans Part III: Index of approved courses for veterans.

Texas. Advisory Commission on Intergovernmental Relations. Handbook of Governments in Texas. Austin, March 1973. [\$25.00 initial cost/\$10.00 annual cost for updates] Includes: Section I: State Government, Section II: County Government Section III: Municipal Government Section IV: Special Districts and Authorities Section V: Regional Governments and Agencies Section VI: Federal Government. Looseleaf.

Texas Almanac and State Industrial Guide. Dallas, A.H. Belo Corporation. Annual. Topically arranged. Indexed.

Texas Electric Cooperatives, Inc. Directory of Texas Electric and Telephone Cooperatives. Austin. Annual. Electric utilities by county, miles of line and managers. profiles of each utility company including address, directors, and technical statistics. Profiles similar to electric cooperatives are provided for each telephone cooperative.

Texas. University of Texas Bureau of Business Research. Atlas of Texas. Austin, 1973. Includes geographical, physical, population, agricultural, mining, manufacturing maps and a statistical appendix on population.

Texas State Directory, 1946-. Austin. Biennial. Privately published. Texas agencies listed in alphabetical order, including for each agency the elected and appointed officials with photos, titles, address, tenure. Includes a section on state employees, giving address, hometown, and employing agency. Next, section lists cities in Texas with population and name of mayor, section on Chambers of Commerce, and section on county officials.

Texas. Highway Department. Planning and Research Division. Listing of Texas Cities, Towns, Communities and Railroad Stations by Counties. Austin, 1973.

Texas. University of Texas Bureau of Business Research. Directory of Texas Manufacturers. 2 volumes. Austin. Annual. Contains four main sections: 1. Alphabetical section 2. Geographical section 3. product section 4. Index of products.

Texas. State Board of Insurance. List of Insurance Companies Under the Supervision of the State Board of Insurance. Austin. Annual.

LAWS/LEGAL

Texas. State Bar. Professional Development Program.
Advanced Civil Trial Course, 2 volumes and a supplement, 1978.
Advanced Estate Planning & Probate, 1977.
Advanced Family Law Course, 1977.
Texas Consumer Law-For General Practitioners, 1977.
Texas Corporation Law-For General Practitioners, 1977.
Texas Family Practice Manual, 1977.
Texas Mental Health Commitments, 1978.
Damages, 1977.
Environmental Law Update, 1978.
International Law for General Practitioners, 1977.
Marriage Dissolution in Texas, 1971.
Pre-Trial, 1977.
Real Estate Law, 1977.

Smith, Dick. How Bills Become Laws in Texas. 4th edition. 1972.
Austin, University of Texas Institute of Public Affairs. Brief narrative description of the legislative process in Texas.

Vernon's Annotated Texas Statutes. 1925- . St. Paul, Minn., West Publishing Company. [Referred to as the "Black Statutes" which supercedes the "Red Statutes" which are not annotated.] Annotated with library citations and references, historical notes on the development of the law and cross references to other related statutes.

Texas. Secretary of State. Texas Register Division. Texas Register. Jan. 1976- . Published twice weekly. Includes Governor appointments, Attorney General opinions, proposed and adopted agency rules, and announcements of open meetings.

West's Texas Statutes and Codes. 5 volumes (1974) and 2 volume supplement (1977). St. Paul, Minn., West Publishing Company. Not annotated. [Green Statutes].

General and Special Laws of the State of Texas. ['Session Laws']. (1846-). Austin. Published biennially or after each session. Laws arranged in order as signed into law by Governor. Also contains effective dates, veto proclamations, resolutions, constitutional amendments proposed, bills vetoed, and index.

[Texas State Codes]. Anticipated publication date 1978/9. Colorado Springs, Colorado. Shepards Publishing Company. A codification of Texas statutes.

Texas. Attorney General. Index and Tables to the Opinions of the Attorney General of Texas, 1947-70. Austin, 1970. 627pp.

Texas. Attorney General. Digest of Opinions of the Attorney General. Annual. Austin. Arranged by opinion number and indexed.

Texas. State Library. Library Laws of Texas. Austin, 1972. 85pp. Contains all statutes pertaining to libraries in Texas.

Texas. State Board of Insurance. Texas Insurance Code with Related Acts and Rules of Procedure. Austin, 1976. Tenth edition. Contains index to insurance code and related acts.

Texas. Education Agency. Texas Public School Law Bulletin. Austin, 1978. Contains Texas Education Code with index to laws affecting public school education.

Texas. Department of Public Safety. Texas Motor Vehicle Laws. Austin. Annual.

Texas. Attorney General. Opinions. Rendered on the request of a state or local official. Provide legal interpretations of Texas statutes prior to court action and are subject to court overrule.

LEGISLATIVE

Texas. Legislature. Senate. Journal. Austin, 1846-. Published biennially with daily issues during the legislative session with bound volumes including index issued at the close of each session. Contents similar to House Journal.

Texas. Legislature. House of Representatives. Journal. Austin, 1846-. Published biennially with daily issues during the legislative session with bound volumes including index issued at the close of each session. Includes bill captions, index of bills and resolutions by author, history of House bills, history of House concurrent resolutions, history of Senate bills in House.

Texas. Legislative Council. Accomplishments of the -- Legislature: A Summary. 1961-. Published biennially after each session. Arranged by subject area.

Texas. Legislature. Members of the Texas Legislature, 1846-1962. Austin, 1962.

Council of State Governments. State Elective Officials and the Legislatures. Lexington, Kentucky. 1935-. Annual. Includes state officials, justices of the courts and members of the legislatures.

CONSTITUTIONAL

Texas. Constitutional Revision Commission. A New Constitution for Texas: Text, Explanation, Commentary. Austin, November 1973. Presents text of the 'New Constitution', biographies of constitutional revision commission, and index of parts affected.

Texas. Advisory Commission on Intergovernmental Relations. The Texas Constitution: A Reorganization and Simplification Without Substantive Change. Austin, December 1973. \$3.00. The Texas constitution presented topically, recast into modern English without substantive changes in the meaning of its provisions.

Texas. Advisory Commission on Intergovernmental Relations. The Constitution of the State of Texas: An Annotated and Comparative Analysis. Austin, August 1977. Contains a factual presentation of the origins, historical development, and contemporary meaning of each section of the constitution and also provides interpretive comments on each section by various contributing legal experts.

Texas. Constitutional Convention, 1974. Journal (2 volumes) and Proceedings (2 volumes). Bound cumulation. Record of all votes and index included.

Texas. Legislative Council. Constitutional Amendments Analyzed. Austin, 1958-. Analysis, both pro-and con, on each amendment to the Texas constitution prepared prior to each election.

Texas. University of Texas L.B.J. School of Public Affairs. The Constitution of Texas and the Administrative Structure of the State. Austin, 1973. Student seminar report coordinated by Professor Emmette S. Redford.

REGIONAL/COUNTY/LOCAL

Texas. Industrial Commission. General Community profiles. Compilation of statistical data on over 500 different Texas cities. Each Profile includes information on only one city and provides information such as labor force statistics, population characteristics, economic statistics, transportation, etc.

Perry Printing Company. Information Guide on County Government. Midland, Texas. Updated annually. Contains information on county, corporate rights and powers, county commissioners courts, county finance, county budgets, and county public services and policies.

Texas Municipal League. Salaries of Texas Municipal Officials and Employees. Annual. Austin.

Texas Municipal League. Directory of Texas City Officials. Austin. Annual. (published each spring following the April elections. Gives name of elected officials, chief administrative employees of incorporated cities and towns. Includes population, county, city hall address, zip code, telephone number, time of city council or commission meeting).

STATE GOVERNMENT FINANCIAL AND STATISTICAL INFORMATION

The basic source for agency financial information is the agency audit (in the case of state supported colleges and universities - financial report) which includes a description and evaluation of real property of the agency, legal authority under which it operates, board members names and terms, major divisions and functions as well as financial status.

Texas. Comptroller of Public Accounts.

Annual Report. 2 volumes. Austin, Texas. Property valuations for counties, tax collections, etc.

City Sales and Use Tax Allocation Summary. Monthly. Austin. A list of Texas cities which shows net payment from sales tax to each city.

Sales Tax Analysis by County Code. Quarterly. Austin. Gives number of reporting outlets by county, with gross sales, gross taxable sales, etc., for each county in Texas.

Sales Tax Analysis by SMSA and SIC. Quarterly. Austin. A list of SMSAs in Texas with information about number of reporting outlets, gross sales, gross taxable sales, etc.

Texas. Comptroller of Public Accounts. Texas Tax Guide. 2 volumes. Austin. 1977. \$25.00. Rules and regulations about all forms of state taxation in Texas. Updated regularly by subscription.

Texas. Legislative Budget Office. Fiscal Size Up: Texas State Services 19 Biennium. Biennially. Austin. Provides information on programs and services provided by state government.

Texas. Education Agency. Research Office. Annual Statistical Report. Annual. Published in 2 parts and contains statistics on pupil personnel, school transportation, professional personnel, district finances, and taxable property.

Texas. University of Texas Bureau of Business Research. Building Construction in Texas. Monthly. Published as a supplement to Texas Business Review contains detailed statistical data on building permits issued in Texas cities.

Texas. Department of Community Affairs. FACS (Family and Child Statistics) Information System. Austin. Updated every six months and issued as 254 separate reports, one for each Texas county. Contains statistical data pertinent to needs of young children and their families.

Texas. Judicial Council. Texas Judicial Council Annual Report: Statistical and Other Data on the State Judicial System, 1928. Austin. Annual. Contains a large quantity of statistics (usually broken down by county) including: statistics of court activity, directories, and types of cases handled by district, county, justice of the peace, and municipal courts.

Texas. Governor's Office. Criminal Justice Division. Criminal Justice Plan for Texas. Austin. Annual. Review of statistics of all aspects of crime and crime prevention in Texas and major metropolitan areas.

BIBLIOGRAPHIES AND GENERAL REFERENCE TOOLS

Texas. Health, State Department of. Texas Vital Statistics. Annual. Austin.

Texas. Agriculture, Department of. Crop and Livestock Reporting Service, Cash Receipts from the Sale of Texas Farm Commodities. Austin. Annual. Report on farm income from the sale of all farm products in Texas by crop-reporting district. Breaks down the farm income into crops, livestock, government payments, etc.

Texas Cotton Statistics. Austin. Annual. Report of Texas county acreage and yield for all cotton and also for irrigated and non-irrigated cotton separately.

Texas. Agriculture, Department of. Crop and Livestock Reporting Service. (Continued)

Texas County Statistics. Austin. Annual. Agricultural statistics by county in Texas.

Texas Crop-Weather. Austin. Annual. Weekly reports on crop progress in Texas by crop and geographic area. Also gives the statewide weather and precipitation for the week.

Texas Dairy Statistics. Austin. Annual. A report of Texas dairy production given by crop-reporting district and by county. Includes statistics on value, number of cows, number of dairy farms, etc.

Texas Field Crop Statistics. Austin. Annual. Report on Texas field crops by crop-reporting district. Gives acreage, yield per harvested acre, and production by county.

Texas Fruit and Pecan Statistics. Austin. Annual. Maps, charts, and graphs on fruit and pecan production in Texas by crop-reporting district and county.

Texas Livestock Statistics. Austin. Annual. Livestock data on Texas by crop-reporting district. Includes information on the number of farms with livestock and gives a breakdown of cattle, hogs, sheep, and lambs, etc. Charts and graphs are included.

Texas Poultry Statistics. Austin. Annual. Report of estimates by Texas counties for hens and pullets, eggs, broilers and turkeys.

Texas Prices Received & Prices Paid by Farmers. Austin. Annual. Report showing monthly prices received by farmers from 1955 to the present and prices paid by farmers for the current year and preceding year. Included are both commodities used in production and commodities used in family living.

Texas Small Grains Statistics. Austin. Annual. Maps and charts showing data on small grain production in Texas by crop-reporting district. Includes data on amount of the crop planted, harvested, yield per acre, average price during the season, and value of production.

Texas Vegetable Statistics. Austin. Annual. Information on Texas vegetable production by commodity and area harvested. Also gives the acreage of vegetables by county.

Texas Library Association. Reference Roundtable. Austin, 1975. Texas Reference Sources: A Selective Guide. Arranged by subject and indexed.

United States. Library of Congress. Monthly Checklist of State Publications. Washington D.C. 1910-. Monthly. Annual cumulation. A selective listing, by state, of state publications received and cataloged by the Library of Congress.

Texas. University of Texas Bureau of Business Research. Texas Sources: A Bibliography. Austin. 1976. Bibliography Series No. 17. Topically arranged.

Texas. State Library. Library Developments Division.

Texas Public Library Statistics. Annual.

Texas Special Library Statistics. Biennial.

Texas Academic Library Statistics. Biennial.

POLITICS/GOVERNMENT - CURRENT

Austin Report-Vol. 1, No. 1- Austin, Long News Service, Nov. 1948-Weekly. Excellent, reliable one-liners. Items on politics and government. Coverage of people, events, state studies, federal items of interest in Texas. Newsletter.

Texas Observer, Vol. 1- Austin, 1906- Fortnightly. 1954 marks the advent of the present format, name and tone. Liberal Democrat. Coverage of political and social issues in Texas. Unashamedly opinionated. Only indexed source of political activities and politicians, government officials. Self-index annually. Cumulative index, 1954-70, by Susan Reid.

The Texas State Publications Clearinghouse at the Texas State Library publishes a number of valuable materials to assist the state document researcher, including:

- Texas State Documents, Monthly. Monthly list of all state documents received by the Clearinghouse.
- Texas State Documents Title Index. Quarterly.
- Texas State Documents Subject Index. Bi-monthly.
- Texas State Documents Classification and Almost Compleat List of Texas State Agencies from Statehood to the Present, by Brenda Olds. 1975. This classification scheme was adopted by the Texas State Library for use in administering the state documents program.

In addition to these state document tools, several publications have been issued by the Texas State Library which provide information about the official depository network of state documents in Texas:

- Texas State Documents: The Development of a Program. By Dale Propp and Robert Walton, January 1978, Revised edition.
- Texas State Documents Depository Survey, 1977: Findings and Results. By Robert Walton and Dale Propp, March 1978.

A "Policy Interpretation" of Section 504 issued August 14, 1978, by the Department of Health, Education and Welfare states:

The Secretary believes that the standard is flexible enough to permit recipients to devise ways to make their programs accessible short of extremely expensive or impractical physical changes in facilities. Accordingly, the section does not allow for waivers.

It should be pointed out that this same "Policy Interpretation" considers the subject of carrying handicapped persons in order to achieve program accessibility:

Carrying is an unacceptable method...except in two cases. First, when program accessibility can be achieved only through structural changes, carrying may serve as an expedient until construction is completed. Second, carrying will be permitted in manifestly exceptional cases if carriers are formally instructed on the safest and least humiliating means of carrying and the service is provided in a reliable manner.

In summary, it is not necessary to make structural changes in existing facilities if other methods are effective in achieving program accessibility. Thus, the law does not require the elimination of all architectural barriers for handicapped persons in existing buildings. Jerry Rempel, Program Manager, Vocational Rehabilitation, State of Oregon, points out that "this is probably the biggest misunderstanding about Section 504 that exists at this time." The major concept is that the program must be available to and usable by handicapped persons. With regard to existing facilities, Section 504, Subpart C, is a "program access" law rather than a "barrier-free" law.

Yoanna Cole illustrates a program accessibility request in this reasonable but assertive statement:

If there was a class on the third floor that I really wanted to take, I would ask that it be put where I could get

to it. We—the school and I—should figure out a compromise. It would be outrageous of me to ask that the building be torn down or completely remodeled. But at least if the school would meet me halfway, I would be able to take that class.

It would be lawful and appropriate for a school to relocate a class to make it available to a student in a wheelchair. It would be neither lawful nor appropriate were the school's response to result in a concentration of handicapped students in one area.

B. Small Schools

School districts should be aware that if they have fewer than fifteen employees, they may, after consultation with a handicapped student and the parents, refer the student to another school district that has accessible facilities. This is in the event that there is no method of complying short of significant building alterations. Oregon and other rural states have numerous small school districts. It may be appropriate for any such district that has a student in a wheelchair, to arrange for the student to attend a near-by barrier-free school.

C. Time Line

The "Rules and Regulations" were signed by Joseph Califano, Secretary of the Department of Health, Education and Welfare on April 28, 1977, and became effective May 4, 1977. Non-structural changes were to have been made within 60 days. That is, program accessibility possible without remodeling should have been accomplished by July, 1977. Congress allowed three years for structural changes needed to achieve program accessibility for handicapped persons. Building alterations should thus be complete by June, 1980.

The August 14, 1978, "Policy Interpretation" of Section 504, Subpart C, by the Department of Health, Education and Welfare, states that "the absence of mobility impaired persons residing in an area cannot be used as the test of whether programs and activities must be made accessible." In other words, the stated time line cannot be delayed until handicapped persons move into the school district. This would ignore the needs of persons temporarily disabled and those who wish to move into the area.

D. Transition Plan

If structural changes to school buildings are needed in order to make school programs accessible, Section 504, Subpart C, requires that a transition plan be developed within six months of the effective date (by December, 1977) that specifies those changes. It is particularly significant that the "Rules and Regulations" specify that the transition plan be developed with the assistance of handicapped persons or organizations representing handicapped persons. Such consultation might avoid a situation which Yoanna Cole describes:

There is a restroom downtown that has the grab bars in the right places and the right width, but it's not accessible because the door won't close when I enter with my wheelchair. That's not good—I can't use it. Often when you follow simple blueprints, the result is not a barrier-free building.

Attempts have been made and will continue to be made to codify all that needs to be done to comply with Section 504, Subpart C. School leaders may follow these codes and assume that they have met the letter of the law, but the real test of "program accessibility" is by handicapped individuals. As Jerry Rempel warns, "if the handicapped person can't use the facility, you may have a discrimination complaint against your school."

The assistance of handicapped persons in the development of the transition plan is practical from a financial point of view, too. There are recent accounts of schools with expensive new elevators that have doors too narrow for wheelchairs; replumbed and remodeled restroom facilities when the elimination of just one partition and one toilet stool would have sufficed; and newly installed concrete ramps without any level landing so that an individual in a wheelchair is unable to open the door. The involvement of handicapped persons in planning and "trial use" of the facilities should help avoid costly mistakes.

A transition plan is to specify the steps necessary to complete the architectural changes. The plan should:

1. Identify physical obstacles in facilities that limit accessibility to the handicapped;
2. Describe in detail the methods that will be used to make the facilities accessible;
3. Specify the schedule for taking the steps to achieve program accessibility; and
4. Indicate the person responsible for implementation of the plan.

The Oregon Architectural Barriers Council is a non-profit organization with the stated purpose of aiding in the elimination of attitudinal and architectural barriers in the State of Oregon. Its members have indicated a willingness to assist schools and other agencies develop transition plans. OABC also maintains a wide selection of written materials that will be loaned to interested school leaders. Their address is: 3214 S.E. Holgate, Room 318, Portland, OR 97202 (phone 503-231-4977).

E. Self-Assessment Checklists

One way to identify the physical barriers that make schools inaccessible is to use a comprehensive checklist as a self assessment. The Oregon Architectural Barriers Council has developed a "Checklist for Barrier-Free Design." OABC developed the checklist from the Oregon Uniform Building Code and the American National Standards Institute (ANSI). Copies of this checklist are available from the Oregon Architectural Barriers Council.

Three additional survey forms are found in "Barrier-Free School Facilities for Handicapped Students," an Educational Research Service Aid. The Bibliography on page 35 includes ordering information. These checklists are from the National Easter Seal Society for Crippled Children and Adults, the North Carolina Department of Insurance, and Colorado State University. They were not designed specifically for school use but can be adapted for surveys of educational facilities.

Richard Clelland, in Section 504: Civil Rights for the Handicapped, has also developed a checklist based on the ANSI Standards. Unlike the previous four checklists, it is especially designed for schools. This checklist is reprinted in this Bulletin with the permission of the publisher, the American Association of School Administrators. The checklist is in Appendix B.

Jesse Fasold, Associate Superintendent for Special Education, State of Oregon, was asked with regard to Section 504, Subpart C, "where does a school superintendent start?" His response was:

I think we ought to start with a checklist and get things in order. If we begin with the checklist, we have set in motion the ability to be in substantial compliance with the provisions of this law... you have an opportunity to make a facility survey and outline a plan in which you indicate your intention to comply by 1980.

After a survey tool has been selected and the survey conducted for those buildings requiring structural changes, the actual steps anticipated to make the facilities accessible should be described in detail. If the time required to accomplish these steps is longer than a year, identify the steps that will be taken during each year of the transition period. The district will also need to designate an individual as the person responsible for implementation of the transition plan.

F. Program Access for Blind or Deaf Persons

Some advocacy groups are interpreting the "program accessibility" requirement of Section 504 to include special needs of persons with auditory or visual impairments as well as those with general physical handicaps. Their proposed interpretation is that in order for a program to be classified as accessible, an interpreter would be needed for the deaf, and braille materials for the blind. The financial implications of this interpretation are immense.

Two important points should be kept in mind by school leaders with regard to deaf or blind persons. First, sensory impairments are usually not total; blind persons generally have some vision and deaf persons often have some hearing. For example, a legally blind student may actually be a print reader because of sufficient residual vision. A hearing impaired child may read lips adequately and not need an interpreter to translate spoken English into sign language. In such situations, the teacher simply

faces the hearing impaired child and speaks distinctly. However, every handicapped child must have an "individualized education plan" based on his or her particular needs as required by P.L. 94-142. These "I.E.P.s" may or may not specify that braille is required or that an interpreter is needed. *In short, if the special requirements for a legally blind or deaf child are met by the I.E.P. outline, it would seem that "program accessibility" requirements for that child also are met.*

Second, sensory impairments are quite rare. For example, only three out of every 10,000 children are blind. If a school district does have blind or deaf children in its attendance area, their educational needs must be met as specified in P.L. 94-142, but it would seem unwise to consider hiring a braillist for the blind or an interpreter for the deaf before an I.E.P. is developed.

In the "Rules and Regulations" (see Appendix A) there is a "Notice" (§ 84.22 (f)) which requires schools to be sure that all persons, including the visually impaired and hearing impaired, are able to obtain information about the "services, activities, and facilities" of the school. This could be accomplished through local radio or television announcements for the blind and written newspaper notices for the deaf. It would be appropriate to indicate to the community that, if given notice, the school will have an interpreter at public meetings for hearing impaired persons who need manual communication. Similarly, board meetings can be taped in the event that a visually impaired person wants a recorded transcript. (Neither process is particularly expensive, although the availability of an interpreter for the deaf may be a problem in remote areas.)

Various sources indicate that from 10 to 12 percent of the population in the U.S. have some disability. Most do not need any adaptation to make facilities usable or accessible. Schools should locate school patrons in the district with handicaps that would prevent their participation in school functions. Ask their suggestions for making school facilities available and usable in the most efficient and economical way. Make adaptations on an individual basis with advice from handicapped patrons. Large districts could have a concentration either of hearing impaired or visually impaired persons that warrant special amplifiers in the board room or braille copies of the board agenda. This would seem unlikely in small districts.

Conflicting interpretations of the "Rules and Regulations" regarding sensory impaired persons continue to confuse this particular issue. Until court cases give school leaders additional guidance, it seems prudent that the "Rules and Regulations" themselves be used by schools as a guide rather than discrepant interpretations.

IV. Program Accessibility: New Construction

I know that there are people saying "we don't have any handicapped people going to our school--why change it?" It is because someday there will be--maybe tomorrow.

Yoanna Cole

Congress had tomorrow in mind when it considered new construction in Section 504, Subpart C. Here the law is unequivocal regarding accessibility--all new facilities (or new parts of facilities) must be "readily accessible to and usable by handicapped persons." In existing facilities it is a question of "program accessibility;" in new facilities, the buildings must

be barrier-free. New buildings are those where construction began after May 4, 1977. Schools as recipients of federal funds must design and construct buildings which can be used by physically handicapped persons.

Any alteration of school buildings shall, "to the maximum extent feasible," provide access for handicapped persons in the altered portion of the building. For example, an alteration of ceilings in an existing building will not require that doorways be widened, but if a wall opening is remodeled it must be wide enough for wheelchairs.

The "Rules and Regulations" indicate that schools will have complied if design, construction, and alteration conform with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc. Section 504 allows deviation from these standards when "it is clearly evident that equivalent access to the facility...is thereby provided." Building plans that are reviewed by knowledgeable handicapped persons are less apt to have architectural barriers that will be costly to remove later.

V. More Barriers: Attitudes, Money, Communication

Sometimes there are not only architectural barriers but attitudinal barriers, too. People don't know why they have to change their buildings and they get upset because it costs a lot... I'm for changing the attitudinal barriers first because once those are changed, I think everything else will fall into place.

Yoanna Cole

The idea that every child—regardless of race, creed, or color—has a right to an education is now an accepted belief in our country. "Open doors

"for all children" is part of the ideal of the American common school. Handicapped persons had asked that these doors be opened wide enough for them, too. When their request was not met voluntarily, legislation in the form of Section 504 resulted. School leaders may wish to make school programs accessible because they believe it is right, because school patrons want it, or because of legislative dictum. Regardless, it is quite evident that structural modifications to remove architectural barriers will be a continuing priority for most school districts.

Can school leaders meet the needs and wants of handicapped people with efficient planning and economical school governance? The crunch comes when costs are considered. The National School Boards Association estimates that it would take \$1.7 billion for elementary and secondary schools to comply fully with Section 504 regulations. Other estimates are substantially below this. In August, 1978, a contract was let by the Department of Health, Education and Welfare to formulate a compliance cost estimate for 50 school districts. Congress used the absence of reliable cost estimates as the reason not to allocate federal funds to public schools for removing architectural barriers. President Carter's fiscal 1979 budget carried a request for \$50 million for barrier removal for colleges and universities, but no funds for elementary and secondary schools. In short, the June, 1980, deadline for program accessibility remains, but there are no federal dollars to help. When he signed the "Rules and Regulations," Secretary Califano stated:

Ending discriminatory practices and providing equal access to programs may involve major burdens on some recipients. Those burdens and costs...provide no basis for exemption from Section 504 or this regulation: Congress' mandate to end discrimination is clear.

New construction will not present the same difficulties as barrier removal in existing buildings. The Office of Facilities, Engineering and Property Management, Department of Health, Education and Welfare, suggests that one-half of one percent of the total new construction cost be budgeted for barrier-free construction. Other estimates are as low as one-tenth of one percent of total costs.

School leaders are challenged to conform to this federal mandate without additional funds. A close reading of the "Rules and Regulations", as well as communication with the handicapped community will prevent unnecessary expenditures while striving for program accessibility. Good communication might help to prevent legal action, too. An official of the Oregon State Department of Education was heard commenting on the six recent hearings in the state concerning handicapped children and alleged violations of P.E. 94-142:

If there had been good communication with the parents and if they had been assured that school officials wanted to do all they could, none of those situations would have reached the courts.

Section 504 reflects the government's intent that unfair barriers to self-sufficiency of the handicapped be removed by full force of the law. Resourceful school leaders will devise ways to open school doors wider for handicapped children.

APPENDIX A

RULES AND REGULATIONS

Subpart C—Program Accessibility

§ 84.21 Discrimination prohibited.

No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.

§ 84.22 Existing facilities.

(a) *Program accessibility.* A recipient shall operate each program or activity to which this part applies so that the program or activity, when viewed in its entirety, is readily accessible to handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

(b) *Methods.* A recipient may comply with the requirement of paragraph (a) of this section through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of health, welfare, or other social services at alternate accessible sites, alteration of existing facilities and construction of new facilities in conformance with the requirements of § 84.23, or any other methods that result in

making its program or activity accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among available methods for meeting the requirement of paragraph (a) of this section, a recipient shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.

(c) *Small health, welfare, or other social service providers.* If a recipient with fewer than fifteen employees that provides health, welfare, or other social services finds, after consultation with a handicapped person seeking its services, that there is no method of complying with paragraph (a) of this section other than making a significant alteration in its existing facilities, the recipient may as an alternative, refer the handicapped person to other providers of those services that are accessible.

(d) *Time period.* A recipient shall comply with the requirement of paragraph (a) of this section within sixty days of the effective date of this part except that where structural changes in facilities are necessary, such changes shall be made within three years of the effective date of this part, but in any event as expeditiously as possible.

(e) *Transition plan.* In the event that structural changes to facilities are necessary to meet the requirement of paragraph (a) of this section, a recipient shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including handicapped persons or

organizations representing handicapped persons. A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum:

- (1) Identify physical obstacles in the recipient's facilities that limit the accessibility of its program or activity to handicapped persons;
- (2) Describe in detail the methods that will be used to make the facilities accessible;
- (3) Specify the schedule for taking the steps necessary to achieve full program accessibility and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and
- (4) Indicate the person responsible for implementation of the plan.

(f) *Notice.* The recipient shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by handicapped persons.

S 84.23 New construction.

(a) *Design and construction.* Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by handicapped persons, if the construction was commenced after the effective date of this part.

(b) *Alteration.* Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective

date of this part in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by handicapped persons.

(c) *American National Standards Institute accessibility standards.* Design, construction, or alteration of facilities in conformance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc. (ANSI A117.1--1961 (R1971)),¹ which is incorporated by reference in this part, shall constitute compliance with paragraphs (a) and (b) of this section. Departures from particular requirements of those standards by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

¹Copies obtainable from American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018.

Taken from the Federal Register, Volume 42, Number 36, Wednesday, May 4, 1977, page 22681.

APPENDIX B

CHECKLIST USED TO DETERMINE WHETHER BUILDINGS ARE ACCESSIBLE TO THE PHYSICALLY HANDICAPPED

This checklist is based on the American National Standards Institute guidelines developed to determine whether buildings are accessible to the physically handicapped. In some instances, the language of the ANSI Standard was modified to quantify data or questions were added to more completely assess a particular aspect of a building. Other federal, state, and local/privately developed standards were consulted in making the modifications. The modifications are identified by an asterisk.

Each question requires a "yes," "no," or "not applicable" response. "Not applicable" responses occur where the particular building category under inspection is nonexistent or where the adequacy of that building category is impossible to determine from the building plans, or from questioning/interviewing or observation. Narrative comments and specific measurements requested during the inspections should be included.

Site Development

Yes No N/A

Is the grading of the site, even contrary to existing topography, such that approaches to the building can be provided which are substantially level with building entrances?

Is there parking within 200 feet of the building entrance?

Yes No N/A

Is any of this parking identified as reserved for use by individuals with physical disabilities?

Are there any parking spaces open on one side, allowing room for individuals in wheelchairs or on braces to get in and out of an automobile?

If parking spaces for individuals with physical disabilities are placed between two conventional diagonal or head-on parking spaces, are they at least 12 feet wide?

Is it unnecessary for individuals in wheelchairs or those using braces or crutches to wheel or walk behind parked cars?

Are the parking spaces located to allow persons to get in or out on a level surface?

Is there clear, level, or ramped path (void of curbs) from the parking lot to the building entrances?

Are walks at least 48 inches wide?

Is the walk gradient not greater than 5 percent (1-foot rise in 20 feet)?

Yes No N/A

Are walks of a continuing common surface, not interrupted by steps or abrupt changes in level?

Wherever walks cross other walks, driveways, or parking lots, do walks blend to a common level?

Do walks that are elevated have a level platform at the top which is (a) at least 5-by-5 feet if a door swings out onto the platform or toward the walk, or (b) 3-by-5 feet if door does not swing onto the platform?

Does the platform extend at least 1 foot beyond each side (inside and outside) of the doorway?

Do walks have a surface that is nonslip?

Buildings

Yes No N/A

Do ramps have a slope no greater than 8.33 percent, or a 1-foot rise in 12 feet?

If ramps have a gradient of more than 5 percent, are handrails provided on at least one side?

Yes No N/A

If handrails are provided are they 32 inches in height measured from the surface of the ramp?

Are the surfaces smooth?

Do the surfaces extend 1 foot beyond the top and bottom of the ramp?

Do ramps have a surface that is nonslip?

Do ramps have at least 6 feet of straight clearance at the bottom?

Do the ramps have level rest areas, a minimum of .5 feet in length, provided at turns?

Do ramps that exceed a gradient of 5 percent have level platforms, a minimum of 3 feet in length, at 30-foot intervals?

Do ramps that exceed a gradient of 5 percent have level rest areas, a minimum of 5 feet in length, provided at turns?

Is at least one primary entrance to the building usable by individuals in wheelchairs? (It is preferable that all or most entrances (exits) should be accessible to and usable by

Yes No N/A

individuals in wheelchairs or other forms of physical disability.)

Is at least one entrance usable by individuals in wheelchairs on a level that would make the elevators accessible?

Do doors have a clear opening of no less than 32 inches when open?

Are doors operable by a single effort? Note: Two leaf doors are not usable by those with disabilities unless they operate by single effort, or unless one of the two leaves meets the 32-inch width.

Is the floor of the doorway level for a distance of 5 feet from the door in the direction it swings?

Does the floor of the doorway extend 1 foot beyond each side of door?

Does the floor of the doorway extend 3 feet in the direction opposite to the door swing?

Is the floor of the doorway at least 5 feet wide?

Yes No N/A

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Are sharp inclines and abrupt changes in level avoided at doorsills?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Does the speed of door closers allow the use of doors by physically disabled persons?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Do steps avoid abrupt nosing? Note: Nosing is the protruding lip at the front edge of steps.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Do stairs have handrails 32 inches high as measured from the tread at the face of the riser?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Do stairs have at least one handrail that extends at least 18 inches beyond the top and bottom step (parallel to floor or landing, and extension preferably secured to wall to avoid creation of a hazard)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Do steps have risers 7 inches or less?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Do floors have a nonslip surface?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Are floors on each story at a common level or connected by a ramp? (There should be no differences in level between corridor and adjacent rooms.)

Yes No N/A

Is there at least one toilet for each sex on each floor with facilities for the physically handicapped?

Can physically handicapped persons, particularly those in wheelchairs, enter the restroom?

Do toilet rooms have turning space 60-by-60 inches to allow traffic of individuals in wheelchairs?

Do toilet rooms have at least one toilet stall that is 3 feet wide?

Do toilet rooms have at least one toilet stall that is at least 4 feet, 8 inches (preferably 5 feet) deep?

Do toilet rooms have at least one toilet stall that has a door that is 32 inches wide and swings out?

Do toilet rooms have at least one toilet stall that has hand-rails on each side, 33 inches high and parallel to floor, 1 inch in diameter, with 1 inch clearance between rail and wall, fastened securely to the wall at the ends and center? If grab bars are other than parallel, describe.

Do toilet rooms have at least one toilet stall that has a clearance of at least 48 inches between the outside wall and the front of the stall entrance?

Yes No N/A

Do toilet rooms have at least one toilet stall that has water closet with seat 20 inches from the floor?

Do toilet rooms have lavatories (wash basins) with narrow aprons, which when mounted at standard height are no greater than 34 inches at the top and which have a clearance underneath of 29 inches?

Are drain pipes and hot water pipes covered or insulated?

Is one mirror at a height as low as possible and no higher than 40 inches above the floor?

Is one shelf at a height as low as possible and no higher than 40 inches above the floor?

Do toilet rooms for men have wall-mounted urinals with the opening of the basin 19 inches from the floor, or have floor mounted urinals that are level with the main floor of the toilet room?

Do toilet rooms have towel racks mounted no higher than 40 inches from the floor?

Are other dispensers mounted no higher than 40 inches from the floor?

Yes No N/A

Are disposal units mounted no higher than 40 inches from the floor?

Are towel racks, towel dispensers and other appropriate disposal units located to the side of the lavatory rather than directly above?

Is there at least one drinking fountain on each floor for use by the physically handicapped?

Can persons in wheelchairs wheel up to the water fountain?

Do water fountains or coolers have up-front spouts and controls?

Are the water fountains hand operated?

If coolers are wall mounted, are they hand operated, with basins 36 inches or less from the floor?

Is there at least one public telephone in each "bank" accessible to physically handicapped persons?

Is the height of the dial from the floor 48 inches or less?

Yes No N/A

Is the coin slot located 48 inches or less from the floor?

Are there telephones equipped for persons with hearing disabilities?

Are telephones equipped for persons with hearing disabilities identified as such?

If more than a one-story building, are elevators available to the physically handicapped?

Can physically handicapped persons, particularly those in wheelchairs, enter elevators?

Are outside call buttons 48 inches or less from the floor?

Are control buttons inside the elevators 48 inches or less from the floor?

Are the buttons labeled with raised (or indented) letters beside them?

Are the buttons touch sensitive or easy to push?

Yes No N/A

Is the elevator cab at least 5-by-5 feet?

Can a person in a wheelchair facing the rear see floor numbers (by mirror or floor identification number at rear of cab)?

Are floors announced orally by recorded devices for the benefit of the blind?

Are light switches not more than 48 inches above the floor?

Are controls for heating, cooling and ventilation not more than 48 inches above the floor?

Are controls for fire alarms and other warning signals not more than 48 inches above the floor?

Are controls for draperies and other items of frequent or essential use not more than 48 inches above the floor?

Are raised (or recessed) letters or numbers used to identify rooms or offices?

Is identification placed on the wall, to the right or left of the door?

Yes No N/A

Is such identification placed at a height between 4 feet 6 inches and 5 feet 6 inches, measured from the floor?

Are doors that might prove dangerous to a blind person if he were to exit or enter through them (doors not intended for normal use) made quickly identifiable to the touch by knurled door handles or knobs?

Are audible warning signals accompanied by simultaneous visual warning signals for those with hearing or sight disabilities?

When manholes or access panels are open and in use, or when an open excavation exists on a site, when it is approximate to normal pedestrian traffic, are barricades placed on all open sides at least 8 feet from the hazard, and warning devices installed?

Are there no low-hanging door closers that remain within the opening of a doorway, or that protrude hazardously into regular corridors or traffic ways?

Are there no low-hanging signs, ceiling lights, fixtures, or similar objects that protrude into regular corridors or traffic ways? (A minimum height of 7 feet, measured from floor is recommended.)

Is lighting on ramps adequate?

Yes No N/A

Are exit signs easily identifiable to all disabled persons?

Permission to reprint this check list was granted by the American Association of School Administrators, Arlington, Virginia.

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Pamphlet, 89 pages, comprehensive bibliography, specific suggestions regarding alterations to remove architectural barriers. Available for \$7.00 (payment to accompany orders of \$10 or less) from Educational Research Service, Inc., 1800 North Kent Street, Arlington, Virginia 22209.

Clelland, Richard. Section 504: Civil Rights for the Handicapped. American Association of School Administrators, Arlington, Virginia, 1978.

Paperback, 123 pages, covers Parts of Section 504 pertinent to public schools. Copies may be ordered from AASA, 1801 North Moore Street, Arlington, Virginia 22209. Single copy, \$4.95, 2-9 copies, 10 percent discount. Orders less than \$15 must be accompanied by payment in full and add \$1.00 for handling and postage.